BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	
T-9752, Marion County)	FINAL ORDER
)	

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CARL F. JENSEN 6532 HOWELL PRAIRIE ROAD SILVERTON OR 97381

Findings of Fact

1. Carl F. Jensen filed an application to add an additional point of appropriation under Certificate 55415. The Department assigned the application number T-9752.

2. The portion of the right to be transferred is as follows:

Certificate: 55415 in the name of CARL F. JENSEN (perfected under Permit G-9898)

Use: IRRIGATION of 65.8 ACRES

Priority Date: SEPTEMBER 7, 1978 AND OCTOBER 8, 1982

Rate: 0.82 CUBIC FOOT PER SECOND (CFS); BEING 0.50 CFS FOR PRIORITY DATE SEPTEMBER 7, 1978 AND 0.32 CFS FOR PRIORITY DATE OCTOBER 8, 1982 Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: A WELL in the LITTLE PUDDING R BASIN

Authorized Point of Appropriation:

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	Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates	
	6 S	2 W	WM	35	SE NE	41	1860 FEET SOUTH AND 140 FEET WEST FROM THE NE CORNER OF SECTION 35	

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	35	SE NE	41	18.30
6 S	2 W	WM	35	NE SE	41	27.90
6 S	2 W	WM	36	SW NW	41	9.60
6 S	2 W	WM	36	NW SW	41	10.00

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

3. Application T-9752 proposes to add a authorized point of appropriation approximately 900 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
6 S	2 W	WM	36	NW SW	41	2700 FEET SOUTH AND 250 FEET EAST FROM THE NE CORNER OF SECTION 35

- 4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- 5. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Conclusions of Law

The additional point of appropriation proposed in application T-9752 is consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The additional point of appropriation proposed in application T-9752 is approved.
- 2. Water right certificate 55415 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
- 3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 55415 and any related decree.
- 4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 5. The proposed change shall be completed on or before October 1, 2006.
- 6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
- 7. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

- 8. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
- 9. When satisfactory proof of the completed change is received, a new certificate confirming this right transferred will be issued.

Dated at Salem, Oregon this 27 day of March 2005.

Phillip C. Ward, Director

Mailing Date: APR 0 5 2005